

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Howard LEVIN et al

Serial No. 10/642,638

Filed: August 19, 2003

For: METHOD AND APPARATUS FOR PERIPHERAL VEIN FLUID
REMOVAL IN HEART FAILURE



Atty. Ref.: 3659-70

Group: 3762

Examiner: DEAK, Leslie R.

* * * * *

September 15, 2005

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

The following are submitted in the above-identified application in compliance with 37 C.F.R. §§ 1.97 and 1.98:

INFORMATION DISCLOSURE STATEMENT

- | | | | |
|-------------------------------------|----|--|----------|
| <input type="checkbox"/> | 1. | PTO-1449 Pursuant to 37 CFR 1.97(b)
[within 3 months of filing or prior to 1st Office Action] | N/C |
| <input type="checkbox"/> | 2. | Statement Pursuant to 37 CFR 1.97(c)
[before Final Office Action or Allowance] | N/C |
| <input checked="" type="checkbox"/> | 3. | Fee Payment Pursuant to 37 CFR 1.97(c)
[before Final Office Action or Allowance] | \$180.00 |
| <input type="checkbox"/> | 4. | Statement & Fee Payment Pursuant to 37 CFR 1.97(d)
[before Issue Fee payment] | \$180.00 |
| <input checked="" type="checkbox"/> | 5. | A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document is enclosed herewith. | |

This paper is submitted in accordance with:

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | 6. | 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action] |
| <input checked="" type="checkbox"/> | 7. | 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and |
| <input checked="" type="checkbox"/> | a) | The Statement required by 37 CFR §§1.97(c)(1) and (e) made in item 9 below; or |

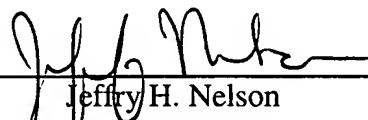
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- ☐ b) The fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 10 below.
- ☐ 8. 37 CFR §1.97(d): [before issue fee payment]; and
- ☐ a) This is a request for consideration of the subject Information Disclosure Statement. The fee required by 37 CFR §1.17(p) is authorized in item 10 below; and
- ☐ b) The Statement required by 37 CFR §§1.97(d)(1) and (e) is stated in item 9 below.
- ☒ 9. Statement under 37 CFR 1.97(e)
- ☐ a) Each item of information contained in this Information Disclosure Statement was cited for the first time in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☒ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- ☒ 10. Please charge all applicable fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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